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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,353	02/17/2004	Bill Tobler	81091391	9951
32997	7590	01/19/2006	EXAMINER	
TUNG & ASSOCIATES			BEAULIEU, YONEL	
838 WEST LONG LAKE, SUITE 120			ART UNIT	
BLOOMFIELD HILLS, MI 48302			PAPER NUMBER	

3661

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,353	Applicant(s) TOBLER ET AL.	
	Examiner Yonel Beaulieu	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 15-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Claims 15 – 43 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected subject matter, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 29 November 2005.

In view of the above, only claims 1 – 14 remain as elected subject matter and are under examination.

Claim Objections

Claim 1 is objected to because of the following informalities: it is suggested to delete “step (A)” (line 6). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Littlejohn (US 5,539,641).

Art Unit: 3661

Regarding claims 1, 2, and 6 Littlejohn teaches a method of controlling a vehicle braking event, comprising the steps of: detecting a vehicle braking event in which brake force is applied to at least one vehicle drive wheel (col. 3, lines 31 – 43; col. 6, lines 33 – 42; col. 15, lines 13 – 30 at least); and, reducing (or decreasing) an amount of torque transmitted from the at least one drive wheel to a vehicle powertrain when a braking event is detected (abstract; summary; col. 13, lines 1 – 55; col. 15, lines 48 – 54; col. 17, lines 12 – 20; and col. 22, lines 31 – 34 at least).

Regarding claim 3, Littlejohn further teaches sensing a speed of the drive wheel (col. 2, lines 10 – 17 and col. 7, lines 40 – 46 at least).

Regarding claim 4, Littlejohn further teaches sensing an operating condition of the vehicle indicating that a braking event will be initiated (col. 16, lines 3 – 13 and 18 – 28 at least).

Regarding claim 5, Littlejohn further teaches sensing when an automatic braking system on the vehicle is actuated (fig. 2 at least; col. 5, lines 15 – 42).

Regarding claim 8, Littlejohn further teaches a rapid deceleration (rate of deceleration) of the drive wheel (col. 15, line 61 – col. 16, line 13 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 9 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littlejohn ('641) as applied to claims 1 and 7, directly or indirectly, and further in view of Nagae (US 6598946).

As discussed above, Littlejohn teaches all of the limitations of claims 7 and 9 – 14 except for disconnecting and reconnecting the drive wheel from the powertrain in relation to actuating a clutch.

However, Nagae teaches, in the same field of endeavor of controlling a vehicle braking event, disconnecting and reconnecting a drive wheel from a powertrain in relation to actuating a clutch (col. 11, lines 19 - 50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Littlejohn's teaching by including disconnecting and reconnecting the drive wheel from the powertrain in relation to actuating a clutch as evidenced by Nagae in order to stabilize the running state of the vehicle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YONEL BEAULIEU
PRIMARY EXAMINER
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Art Unit 3661